

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CARLOS ENRIQUE DELGADO PENA,)

Petitioner,)

vs.)

No. 4:03CV1437SNL/DDN

**JOHN ASHCROFT, Attorney General of
the United States; and**)

**TOM RIDGE, Secretary of the Dept. of
Homeland Security,**)

Respondent.)

ORDER

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge David D. Noce (#13), filed May 4, 2005 is **SUSTAINED, ADOPTED** and **INCORPORATED** herein.

IT IS FURTHER ORDERED that respondents' motion to dismiss (#12) be and is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (#8) be and is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that respondents' motion to transfer (#11) be and is **DENIED AS MOOT**.

IT IS FINALLY ORDERED that this cause of action is **DISMISSED** with no further action to be taken in this matter.

Dated this 9th day of May, 2005.

A handwritten signature in cursive script, reading "Stephen T. Limbaugh". The signature is written in dark ink and is positioned above a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE